

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**JASON WOOLLEY,**

**Plaintiff,**

**vs.**

**Case No.: 2:16-cv-216  
JUDGE GEORGE C. SMITH  
Magistrate Judge Vascura**

**MORGAN MOVING & STORAGE, *et al.*,**

**Defendants.**

**ORDER**

On May 4, 2018, the United States Magistrate Judge issued a *Report and Recommendation* recommending that the Court dismiss this action without prejudice to refile in state court and that Intervenor Plaintiff's Motion to Remand be denied as moot. (*See* Doc. 72). The parties were specifically advised of their right to object to the *Report and Recommendation* and of the consequences of their failure to do so. There has nevertheless been no objection to the *Report and Recommendation*. Plaintiff, however, has filed a Motion to Stay this case until his release from prison in June of 2020. He asserts that he does not understand the proceedings and would like to obtain legal counsel upon his release. Based on the findings in the *Report and Recommendation*, this Court agrees that it lacks subject-matter jurisdiction over this case and therefore cannot stay this matter. This action must be dismissed pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure.

Accordingly, the *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**. Plaintiff's Complaint is hereby dismissed for lack of subject-matter jurisdiction under 28 U.S.C.

§ 1332. The dismissal is without prejudice to refiling in state court. The previously issued *Report and Recommendation* (Doc. 48) is now **MOOT**. Intervenor Plaintiff's Motion to Remand (Doc. 55) is **DENIED AS MOOT**. Plaintiff's Motion to Stay is **DENIED**.

The Clerk shall remove Documents 48, 55, 72, and 73 from the Court's pending motions list and close this case.

**IT IS SO ORDERED.**

/s/ George C. Smith  
**GEORGE C. SMITH, JUDGE**  
**UNITED STATES DISTRICT COURT**